

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3-11, and 13-18 are presently pending in this case.

In the outstanding Official Action, Claims 1, 3, 5-7, 11, 13, and 15 were rejected under 35 U.S.C. §102(b) as anticipated by Odamura (U.K. Patent Application Publication No. 2 360 912); and Claims 4, 8-10, 14, and 16-18 were rejected under 35 U.S.C. §103(a) as unpatentable over Odamura in view of Negishi et al. (U.S. Patent No. 6,504,089, hereinafter “Negishi”).

With regard to the rejection of Claims 1, 5, 6, and 11 as anticipated by Odamura, that rejection is respectfully traversed.

Claim 1 recites in part:

***scrolling means for horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling means obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data, the scrolling means automatically vertically scrolls other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.***

Odamura describes a client terminal 204 that downloads web pages from a server over the Internet for display on a display of a terminal 204. If a webpage is too tall to display on the display of the terminal, the client terminal breaks up the webpage vertically into multiple pages.<sup>1</sup> The additional pages are stored at a base station until the client terminal requests the additional pages.<sup>2</sup>

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<sup>1</sup>See Odamura, page 23, line 2 to page 24, line 3 and Figures 8-11.

<sup>2</sup>See Odamura, page 12, lines 4-21.

The outstanding Office Action cited the client terminal 204 breaking up a webpage into multiple pages of Odamura as “control means” as recited in Claim 2.<sup>3</sup> However, it is respectfully submitted that Odamura only describes a device for breaking up a webpage in the **vertical** direction (and **not** the horizontal direction) into multiple web pages and providing these webpages when requested. Thus, Odamura does not teach any means for **horizontally scrolling** display of the partial text data **and** remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling means obtaining the remaining text data from the database and **automatically horizontally scrolling the remaining text data after the partial text data** as recited in Claim 1. Further, Odamura does not teach any means for **automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data**. In fact, it is respectfully submitted Odamura does not teach any means for **automatically** scrolling data. Moreover, no portion of Odamura was cited as describing **automatic** scrolling. The fact that Odamura may describe manually vertically scrolling data based on a user control of a cursor<sup>4</sup> does not teach or suggest **automatically** scrolling, either vertically or horizontally. For example, Odamura does not provide any indication of how fast any **automatic** scrolling would be done to ensure a user can read all of the information shown. Accordingly, it is respectfully submitted that Odamura only describes manual scrolling.

In response, the outstanding Office Action asserts “Odamura et al. clearly teaches the ability to display data larger than a set length [page 12, lines 4-21] and the ability to scroll a data if it is longer than the available display are and turning pages [Figure 12]. Figure 12 clearly states the ability of the scrolling function, which could either be vertical or horizontal. Odamura et al. also teaches the automatic scrolling of pages horizontally and vertically since

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<sup>3</sup>See the outstanding Office Action at page 4, lines 12-18.

<sup>4</sup>See Odamura, page 24, lines 12-14.

the scrolling is based on calculation of load performed before the action, and performed thereafter [page 12, lines 4-21]. Applicant argues the lack of horizontal scrolling, but the rejection is maintained due to the reference's ability to display text based on load [page 12, lines 4-21], which could extend beyond screen size, which would require horizontal scrolling."

It is agreed that Odamura describes the ability to display data longer than a set length, as Odamura describes breaking a large page up into smaller pages. A user can then decide whether to scroll pages or turn pages (replace the existing page with a whole new page). It is respectfully noted that Figure 12 of Odamura illustrates a method where the described device determines if a user has inputted a scroll page command or a page turn command. Thus, not only does Figure 12 **not** describe automatic scrolling, it explicitly teaches to the contrary. If the described device automatically scrolled, there would be no point including step S341, as the user would not be choosing between page scrolling or turning. Therefore, Odamura does not teach or suggest, either explicitly or inherently, any automatic scrolling, much less ***automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.***

Further, the description in Odamura of breaking a page in the ***vertical*** direction into multiple pages does not in any way teach or suggest ***horizontal*** scrolling.

Finally, with regard to the assertion that Odamura teaches automatic scrolling, it is respectfully noted that page 12, lines 4-21 only describes that a large data set can be broken up into multiple pages, and the pages can be sent individually to reduce the transmission mode. This can be done as a user inputs a page turn command. Accordingly, not only does Odamura fail to explicitly describe automatic scrolling, Odamura can not inherently teach automatic scrolling, as the device of Odamura does not ***necessarily*** automatically scroll. Well settled case law holds that "the extrinsic evidence 'must make clear that the missing

descriptive matter is ***necessarily*** present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. ***Inherency, however, may not be established by probabilities or possibilities.*** The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (Emphasis added.). In the present case, it is respectfully submitted that the device of Odamura does not ***necessarily*** automatically vertically scroll other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data, and evidence or reasoning supporting the assertion that this feature in as great a detail as claimed is necessarily present in Odamura has not been provided.

If the present rejection is to be maintained, it is respectfully requested that for the purposes of appeal an Advisory Action explain whether the above features are being asserted as explicitly or inherently present, and if it is asserted to be inherently present, explain how the device of Odamura necessarily includes “scrolling means ***automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data***” in light of the fact that Figure 12 clearly shows that the device waits for a page turn or page scroll command from a user.

Thus, it is respectfully submitted that Odamura does not teach, either explicitly or inherently, “control means” and “scrolling means” as defined in Claim 1. Consequently, Claim 1 (and Claims 3, 4, and 7-10 dependent therefrom) is not anticipated by Odamura and is patentable thereover.

Claims 5 and 6 recite in part “horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the horizontally scrolling including obtaining the remaining text data from the database and ***automatically*** horizontally

scrolling the remaining text data after the partial text data” and “*automatically* vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.” As noted above, Odamura does not describe, either explicitly or inherently, automatic scrolling of data, much less *automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data*. Therefore, Odamura does not teach “horizontally scrolling” and “automatically vertically scrolling” as defined in Claims 5 and 6 either. Consequently, Claims 5 and 6 are not anticipated by Odamura and are patentable thereover.

Claim 11 recites in part:

*a scrolling unit configured to horizontally scroll display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling unit configured to obtain the remaining text data from the database and to automatically horizontally scroll the remaining text data after the partial text data, the scrolling unit configured to automatically vertically scroll other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.*

As noted above, Odamura does not teach any device configured to *automatically* scroll data as recited in Claim 11. Thus, it is respectfully submitted that Odamura does not teach “a scrolling unit” as defined in Claim 11. Consequently, Claim 11 (and Claims 13-18 dependent therefrom) is not anticipated by Odamura and is patentable thereover.

With regard to the rejection of Claims 4, 8-10, 14, and 16-18 as unpatentable over Odamura in view of Negishi, it is noted that Claims 4, 8-10, 14, and 16-18 are dependent from Claims 1 and 11, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Negishi does not cure any of the above-noted deficiencies of Odamura. Accordingly, it is respectfully submitted that Claims 4, 8-10, 14, and 16-18 are patentable over Odamura in view of Negishi.

Application No. 10/566,630  
Reply to Office Action of December 16, 2008

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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